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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/708,631	03/16/2004	Melissa Schneider	35041/400400	2630

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EXAMINER
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GOODCHILD, WILLIAM J

ART UNIT	PAPER NUMBER
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2145

MAIL DATE	DELIVERY MODE
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03/07/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/708,631	<b>Applicant(s)</b> SCHNEIDER ET AL.	
	<b>Examiner</b> WILLIAM J. GOODCHILD	<b>Art Unit</b> 2145	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 December 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-3, 6-14, 20, 22-24 and 26-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Feldman et al., (US Publication No. 2004/0117654), (hereinafter Feldman).

Regarding claim 1, Feldman discloses providing a first web site database having a list of first web sites likely to send bad traffic [paragraph 34, data store and paragraph 51]; providing a hypertext link to the second web site on the first web site [paragraphs 39 and 43]; after an Internet user having a web browser clicks on the link transferring the Internet user to an intermediate web site [paragraph 15] that gathers information from the Internet user web browser [paragraphs 33 and 45-46]; and determining if a validation request is required based at least in part on the information from the Internet user web browser [paragraphs 22-23].

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Regarding claim 2, Feldman discloses the first web site is an affiliate web site [paragraph 4].

Regarding claim 3, Feldman discloses the second web site is an advertiser web site [paragraph 8].

Regarding claim 6, Feldman discloses the intermediate web site includes a redirect page capable of determining if the validation request is required [paragraphs 15 and 26].

Regarding claim 7, Feldman discloses causing the transmission of the second web site to the Internet user if the first web site is not listed in the first web site database [paragraph 15].

Regarding claim 8, Feldman discloses compensating the first web site for causing the transmission of the second web site to the Internet user [paragraph 55].

Regarding claim 9, Feldman discloses determining if the first web site is listed in the first web site database [paragraph 57].

Regarding claim 10, Feldman discloses the validation request includes providing a survey form with at least one input for the Internet user to input information [paragraphs 58 and 61-67].

Regarding claim 11, Feldman discloses the validation request includes collecting the input information into a survey database [paragraph 46].

Regarding claim 12, Feldman discloses the validation request includes analyzing the input information in the survey database to determine if the first web site should be listed in the first web site database [paragraphs 46-49].

Regarding claim 13, Feldman discloses causing the transmission of the second web site to the Internet user [paragraph 15].

Regarding claim 14, Feldman discloses compensating the first web site for causing the transmission of the second web site to the Internet user [paragraph 55].

Regarding claim 20, Feldman discloses determining if the web browser has cookies enabled [paragraph 19]; determining a language of the web browser [paragraph 48]; determining an amount of time that the Internet user spends on the advertiser web site [paragraphs 45-49]; determining a total amount of times that the affiliate web site causes the transmission of the advertiser web site to the Internet user [paragraphs 46-49].

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Regarding claim 22, Feldman discloses determining if the Internet user receives an incentive from the affiliate web site for clicking on the advertiser link [paragraph 55].

Regarding claim 23, Feldman discloses determining an amount of time that the Internet user spends on the advertiser web site after [paragraph 45, access times]; and electronically determining if the advertiser web site is relevant to the keyword search [paragraphs 3 and 5-6].

Regarding claim 24, Feldman discloses determining a total amount of times that the affiliate web site causes the transmission of the advertiser web site to the Internet user [paragraphs 45-49].

Regarding claim 26, Feldman discloses determining if the Internet user receives an incentive from the affiliate web site for clicking on the advertiser link [paragraph 55].

Regarding claim 27, Feldman discloses determining if the web browser has cookies enabled [paragraph 19].

Regarding claim 28, Feldman discloses determining a language of the web browser [paragraph 48].

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Feldman as applied to claim 3 above, and further in view of Dunham et al., (US Publication No. 2003/0216930), (hereinafter Dunham).

Regarding claim 4, Feldman does not specifically disclose the step of providing a first web site capable of displaying a hypertext link to the second web site includes receiving a keyword search from the Internet user, preparing a result list relevant to the keyword search, and providing at least one hypertext link on the first web site that is relevant to the keyword search. However, Dunham in the same field of endeavor discloses a user entering search terms into an interface from a distribution partner's computer [Dunham, paragraph 35], organizing and returning a search results list [Dunham, paragraph 35], the search result set is a list of hypertext links to data, such as Web pages, that include information relevant to the submitted search terms [Dunham, paragraph 35]. It would have been obvious to one having ordinary skill in the art at the time the invention was made to display to a user a relevant list of hypertext links based on search terms in order to provide the user with relevant links.

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Regarding claim 5, Feldman-Dunham further discloses the hypertext link includes an advertisement to the advertiser web site [Dunham, paragraph 35].

5. Claims 15-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Feldman as applied to claim 1, and further in view of Kirsch (US Publication No. 2005/0080856).

Regarding claim 15, Feldman does not specifically disclose determining if a validation request is required includes randomly causing the validation request. However, Kirsch discloses using a random sample [Kirsch, paragraph 78]. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use a random sample in order to test the validity of user access.

Regarding claim 16 Feldman further discloses the validation request includes providing a survey page with at least one input for the Internet user to input information [Feldman, paragraphs 58 and 61-67].

Regarding claim 17 Feldman further discloses the validation request includes collecting the input information into a survey database [Feldman, paragraph 46].

Regarding claim 18 Feldman further discloses causing the transmission of the second web site to the Internet user [Feldman, paragraph 15].



Regarding claim 19 Feldman further discloses compensating the first web site for causing the transmission of the second web site to the Internet user [Feldman, paragraph 55].

6. Claims 21 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Feldman as applied to claims 20 and 23 above, and further in view of Bellare et al., (US Publication No. 2002/0069261), (hereinafter Bellare).

Regarding claims 21 and 25, Feldman does not specifically disclose determining if the Internet user causes a mouse operably coupled to the Internet user web browser to move. However, Bellare discloses using a mouse for curser control on a display [Bellare, paragraph 27]. It would have been obvious to one having ordinary skill in the art at the time the invention was made to monitor curser movement in order to determine if a user is accessing the web page or if it is automated.

### ***Response to Arguments***

7. Applicant's arguments with respect to claims 1-28 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to WILLIAM J. GOODCHILD whose telephone number is (571)270-1589. The examiner can normally be reached on Monday - Friday / 9:00 AM - 5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on (571) 272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

WJG  
02/26/2008

/Jason D Cardone/  
Supervisory Patent Examiner, Art Unit 2145